

**LEWIS
AND
ROCA**
LLP
LAWYERS

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☒ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING
OBJECTION OF USACM TRUST TO
PROOF OF CLAIM OF TERRY
HANSEN AS FILED PARTIALLY IN
WRONG DEBTOR'S CASE;
OBJECTION OF DTDF TO PROPOSED
ALLOWANCE OF CLAIM (WITH
CERTIFICATE OF SERVICE)**

Hearing Date: June 12, 2009

Hearing Time: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. The USACM Trust seeks to disallow your claim because the
USACM Trust contends that \$50,000.00 of the claim is based upon an investment in**

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

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1 USA Capital Diversified Trust Deed Fund (“DTDF”) and was therefore filed in the
2 wrong debtor case.

3 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
4 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
5 REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM
6 SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP
7 CONSULTING, LLC (602-424-7009) OR TO THE UNDERSIGNED COUNSEL.

8 NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust by and
9 through its counsel, has filed an Objection of USACM Trust to Proof of Claim of Terry
10 Hansen As Filed Partially in Wrong Debtor’s Case; Objection of DTDF to Proposed
11 Allowance of Claim (with Certificate of Service) (the “Objection”). The USACM Trust
12 respectfully requests that the Court enter an order pursuant to § 502 of title 11 of the
13 United States Code (the “Bankruptcy Code”) disallowing \$50,000 of your claim against
14 USACM, disallow any proposed allowance of Hansen’s claim in the DTDF case, and
15 appropriately allow Hansen Trust to retain an equity interest in DTDF in the amount of
16 \$48,047.32 as reflected in the books and records of DTDF as of April 13, 2006. USACM
17 Trust reserves the right to object to the balance of the claim at a later date.

18 NOTICE IS FURTHER GIVEN that the hearing on the Objection will be held
19 before the Honorable Linda B. Riegler, U.S. Bankruptcy Court Judge in the Foley Federal
20 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
21 **June 12, 2009, at the hour of 9:30 a.m.**

22 NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON JUNE 12,
23 2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND
24 SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE
25 HEARD ON THAT DATE.
26

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1 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
2 by **June 5, 2009**, pursuant to Local Rule 3007(b), which states:

3 If an objection to a claim is opposed, a written response must
4 be filed and served on the objecting party at least 5 business
5 days before the scheduled hearing. A response is deemed
6 sufficient if it states that written documentation in support of
the proof of claim has already been provided to the objecting
party and that the documentation will be provided at any
evidentiary hearing or trial on that matter.

7 If you object to the relief requested, you *must* file a **WRITTEN** response to this
8 pleading with the Court. You *must* also serve your written response on the person who
9 sent you this notice.

10 If you do not file a written response with the Court, or if you do not serve your
11 written response on the person who sent you this notice, then:

- 12 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
13 • The Court may *rule against you* and sustain the objection without formally
14 calling the matter at the hearing.

15 Dated: April 9, 2009.

16
17 **LEWIS AND ROCA LLP**

18 By: /s/ John Hinderaker (AZ# 18024)
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25 Counsel for USACM Liquidating Trust
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L A W Y E R S

Copy of the foregoing mailed by first class
Postage prepaid U.S. mail
On April 9, 2009 to:

Terry Hansen
P.O. Box 458
Sparks, NV 89432

/s/ Carrie Lawrence
Carrie Lawrence